

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN MCBREARTY;
CARL MCBREARTY; and
NINA MCBREARTY**

v.

**DELAWARE COUNTY SHERIFFS
DEPARTMENT; NORWOOD BOROUGH
POLICE DEPARTMENT; DELAWARE
COUNTY; and MEDIA BOROUGH**

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CIVIL ACTION NO: 02-4553

RESPONSE TO ALL THE DEFENDANTS DISMISSAL MOTIONS

1) In all the motions to dismiss, they all state of my failure to state a claim upon which relief can be granted. Manny claims have been stated. They maintain that they are not legitimate claims. I will go to the worm at the core.

2) Due process violations.

3) Freedom of speech violations.

4) In all courtroom situations, if you are not in the federal court system, everyone is always entitled to appeal a court decision to a higher court. The ninth amendment protections. The plaintiffs were denied that opportunity.

The defendants made a decision to evict the plaintiffs, and sell there home, denying the plaintiffs the opportunity to appeal to the Pennsylvania superior court, to save their home.

An appeal was made to the superior court at one time, but they could not help because I did not have a final decision from the Delaware county courthouse. To this day I have not received a time stamped copy of a final decision that was signed by a judge. We were never provided with what we needed to appeal to the superior court, but the defendants ended the court battle by selling our home. This is one of the due

process violations that has occurred.

5) When I learned that the deed of our home was transferred out of my name, I started the protest process. I didn't even get to the point of filling out the form, and the defendants maliciously evicted us and sold our home. We have not received one cent from the sale of our home.

6) The malicious element in this situation entitles the plaintiffs to a punitive damages award, even though public officials made the decisions.

7) In response to all the defendants claims of superficial involvement.

You don't have to be a lawyer or a legal scholar to understand this, just read the newspaper for a few years. Every court has made numerous decisions where people who were aware of a violation that was being committed were also guilty of the same offense, because they chose not to do anything about it. The defendants are all guilty.

8) The federal government was also informed of the 649 eviction situation. I went to the federal government and requested a soldier be at our home at eviction hour, someone who had the legal authority to defend us and our home from an armed eviction that was about to occur. The person who waited on me was very helpful. They did inform me that the federal government was not allowed to deploy soldiers inside the country unless there was a serious emergency, and that there was no form available at that time, that would, or could provide us with that type of assistance. They did provide me with a lot of information on how to get some help, but the politics of being a lawyer doesn't allow them to get involved in a situation like this unless they are planning to retire shortly.

9) If the defendants don't want to pay the 3.17 million to settle this complaint, let's have a jury decide, there number could be considerably higher, when shown the intensity of the malicious behavior that was perpetrated by the defendants.

John McBrearty